

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15709 of the American Security Corporation, pursuant to 11 DCMR 3108.1, for a special exception under Section 701.8 to allow five satellite dish antennae on the roof of an existing office building in a DD/C-3-C District at premises 635 Massachusetts Avenue, N.W. (Square W-484, Lot 21).

HEARING DATE: June 24, 1992  
DECISION DATE: June 24, 1992 (Bench Decision)

DISPOSITION: The Board **GRANTED** the application by a vote of 4-0 (Paula L. Jewell, Maybelle Taylor Bennett, Angel F. Clarens and Carrie L. Thornhill to grant; Sheri M. Pruitt not present, not voting).

FINAL DATE OF ORDER: July 10, 1992

MODIFICATION ORDER

The Board granted the application subject to four conditions by its order dated July 10, 1992. By letter dated July 24, 1992, counsel for the applicant filed a timely request for Board approval of a modification of plans. Counsel for the applicant indicated that the conditions of the Board's order do not reflect the reduction in the height of the proposed antennae as proffered by the applicant during the course of the public hearing on the application. Counsel argued that the Board's order should reference the revised site plans and elevations which reflect the proposed reduction in the height of the antennae.

Upon review of the motion, the record in the application, and its final order, the Board concludes that the proposed modification of plans is minor in nature and does not alter the overall project as initially approved by the Board. The Board notes that at the conclusion of the public hearing, the record did not contain revised plans or elevations reflecting the proposed height of the antennae. The applicant did, however, offer oral testimony and submit photographs depicting the placement and screening of the proposed antennae which evidenced the reduction in height as currently proposed. The Board concludes that the proposed reduction in height brings the project closer to compliance with the requirements of the Zoning Regulations and requires no additional zoning relief from the Board. The material facts relied upon by the Board in approving the application are still relevant. There was no opposition to the proposed modification of plans.

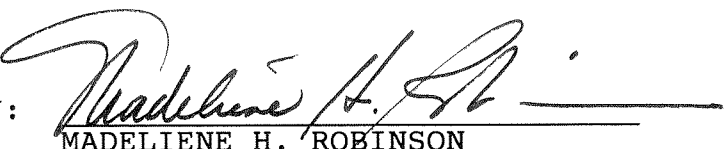
It is therefore ORDERED that the modification of plans is APPROVED, SUBJECT to the CONDITION that the height of the antennae shall be as shown on the revised plans marked as Exhibit No. 26A of the record. In all other respects, the order of the Board dated July 10, 1992 shall remain in full force and effect.

DECISION DATE: September 2, 1992

VOTE: 4-0 (Angel F. Clarens, Paula L. Jewell, Maybelle Taylor Bennett and Carrie L. Thornhill to approve; Sheri M. Pruitt not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
MADELIENE H. ROBINSON  
Acting Director

FINAL DATE OF ORDER: \_\_\_\_\_

SEP 22 1992

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

ord15709/LJP

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



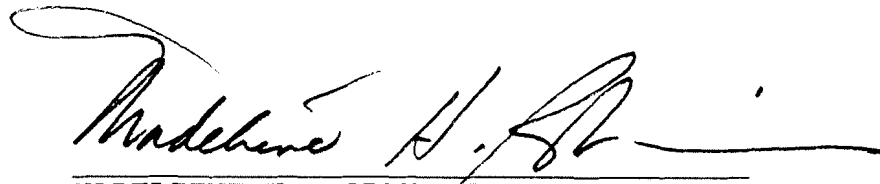
BZA APPLICATION NO. 15709

As Acting Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on SEP 22 1992 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Cynthia Giordano, Esquire  
Linowes and Blocher  
800 K Street, N.W., Suite 840  
Wash, D.C. 20001

American Security Corporation  
c/o Victor Saville, Vice-President  
Real Estate  
MNC Financial Corporation  
100 S. Charles Street  
Baltimore, Maryland 21201

Alverta Munlyn, Chairperson  
Advisory Neighborhood Commission 2-C  
1200 S Street, N.W., #201  
Washington, D.C. 20009

  
MADELIENE H. ROBINSON  
Acting Director

DATE: SEP 22 1992

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15709 of the American Security Corporation, pursuant to 11 DCMR 3108.1, for a special exception under Section 701.8 to allow 5 satellite dish antennae on the roof of an existing office building in a DD/C-3-C District at premises 635 Massachusetts Avenue, N.W. (Square W-484, Lot 21).

HEARING DATE: June 24, 1992  
DECISION DATE: June 24, 1992 (Bench Decision)

SUMMARY ORDER

The Board duly provided timely notice of public hearing on this application, by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2C and to owners of property within 200 feet of the site.

By The site of the application is located within the jurisdiction of ANC 2C. ANC 2C, which is automatically a party to the application, by letter dated June 18, 1992, submitted written issues and concerns in support of the application.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 701.8. No person or entity appeared at the public hearing in opposition to the application or otherwise requested to participate as a party in opposition to this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that the requested relief can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to affect adversely the use of neighboring property in accordance with said Zoning Regulations and Map. It is therefore **ORDERED** that the application is **GRANTED**, **SUBJECT** to the following **CONDITIONS**:

1. Installation of the antennae shall be as shown on the plans marked as Exhibit No. 5A of the record as modified by Condition Nos. 2 through 4 of this Order.
2. Screening shall be as shown on Exhibit Nos. 5A and 27 through 29 of the record.

1  
I  
R

UI  
EF  
SU  
ZO  
X 11  
CT U  
788-